

The Washington Board



Journal

Number 34 • Fall 2004

*Informing Professional
Engineers and Professional
Land Surveyors of the events
and developments that affect
their professions*

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YOUR BOARD MEMBERS

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Message from the Chair

The Washington Board Journal is published biannually by the Washington Board of Registration for Professional Engineers and Land Surveyors, George A. Twiss, P.L.S., Executive Director.

If you, or someone you know, would like to receive a copy of this publication, please contact the Board of Registration for Professional Engineers and Land Surveyors.

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By: Nancy Miller-Duevel, PE

An article appeared in the spring issue of the *Journal* telling our readers about a meeting last February attended by representatives from Illinois, California, Washington and other groups interested in the future of licensure in structural engineering. Prompted by interest from the Illinois SE Board, the meeting was, in part, an effort to promote the idea of a national SE III examination based partly along the lines of the Washington SE III examination. It is my intent to use this message to write about some of what led up to this meeting, what has happened since that meeting, and other items relative to structural engineering.

MODEL LAW - STRUCTURAL ENGINEER

Back in 2001, the National Council of Examiners for Engineering and Surveying (NCEES) established a task force to study issues related to structural engineering including educational requirements, licensure qualifications, examinations & interstate comity. The *Structural Engineering Examination / Recognition Task Force* developed criteria for obtaining classification as a Model Law Structural Engineer from NCEES. At its 2003 Annual Meeting, NCEES adopted the definition of the Model Law Structural Engineer (MLSE) into NCEES' Model Rules. According to this definition, the criteria for the classification is: being a graduate of an EAC/ABET accredited program in engineering, having passed a minimum of 18 semester hours of analysis and design courses in structural engineering, passing the NCEES Fundamentals of Engineering exam and passing 16 hours of structural examinations. The complete text of both NCEES' Model Law and Model Rules is available at www.ncees.org.

So what does this mean for Washington's structural engineers? Not much really. The Model Law and its associated Model Rules are established as a model to follow should a jurisdiction wish to amend its licensing laws. While not binding upon any member of the council, they are useful in promoting uniformity among the licensing jurisdictions across the United States. In my opinion, it is not likely, at least in the foreseeable future, that Washington will adopt those portions establishing the Model Law Structural Engineer. This is primarily due to their disagreement with the concept of restricting licensure to graduates of EAC/ABET accredited programs only. Also, the Washington Board feels strongly that structural engineers must demonstrate they are capable in the area of earthquake design and detailing. While the MLSE requires 16 hours of examinations, the recently adopted definition granted the classification for having passed the NCEES Structural I and Structural II exams. Even though an engineer may qualify as a Model Law Structural Engineer under the NCEES' definition, that engineer would still need to satisfy the licensing requirements in Washington at the time of application.

What about comity for Washington licensed structural engineers to other jurisdictions? Generally an engineer who has passed Washington's Structural III exam is in a good position when seeking comity in other jurisdictions. Yet, anyone considering

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Records Of Surveys Diminishing In Quality

Some of you may remember the late 80's and the general poor quality of the records of surveys that were being filed by surveyors. At the time the Board engaged in a strong effort to inform licensees and discipline offenders across the state in hopes that improvements would be realized. That effort worked and there was a high level of compliance when looking at work in recent years and a reduced number of disciplinary hearings against land surveyors.

However, over the recent couple years, indications seen by the Board are that the quality is again slipping. Not necessarily to the poor quality of many years ago but below what it has been recently.

The following is a list of the more frequent deficiencies that are being seen:

- Legal descriptions missing or reference to description of record incomplete.
- Insufficient section subdivision information or reference to a survey of record.
- Poor or lacking monument descriptions.
- Incomplete field or mathematical ties to monuments that are controlling the "basis of bearing".
- Corner history information.
- Bearings and distances that do not create a closed figure.

This is intended to be a reminder to all practicing surveyors in Washington. While the vast majority are doing very well in this regard the trend seems to suggest increasing carelessness in adherence to the Survey Recording Act and Survey Standards. If the trend continues it will eventually bring all licensed surveyors under closer scrutiny, so it might be useful for licensees to alert their colleagues if they observe content of a record of survey that falls short of requirements.

A perspective to remember is that a completed ROS should stand on its own without necessity of oral testimony by the surveyor. There should be sufficient explanations, notes, details, and information to enable the user the ability to understand not only what was done, but also why it was done and how.

New Board Members Appointed

In early July, Governor Gary Locke made his appointments to fill the positions vacated by Lyle Hansen, PE and Dan Clark, PLS. Here is a little background on these new members.

Dan Parker, PE

Dan Parker is licensed in electrical engineering and is president of Parker, Messana & Associates, Inc. of Federal Way. The multiple disciplinary firm established in 1991 provides electrical, mechanical, civil and structural engineering to industrial customers. Dan is licensed in Washington, Idaho, Oregon and Montana. His experience includes environmental, wastewater treatment, chemical processes, power generation, boilers and utilities. Nancy Duevel, PE, chair, has appointed him to serve as a member of the Practice Committee and he has volunteered to become editor to the Journal.

Mel Garland, PLS

Mel Garland is licensed as a professional land surveyor and comes to the Board following many years as the liaison to the Board representing the Land Surveyor's Association of Washington. Mel is a principle in the Tacoma firm Apex Engineering, Inc. that offers a variety of engineering and land surveying services. Mel is licensed in Washington, Oregon and Idaho. His background includes land, route, control, design and construction surveys. In his current capacity he is the Director of Surveying and responsible for liaison with public agencies and oversight of all surveying operations. As a member of the Board, chair Nancy Duevel appointed Mel to the Exam / Qualifications Committee as well as the Land Surveying Committee.

Board Workshops Stimulate Interest

As you will recall from the Spring Board Journal, the Board invited stakeholders to attend any one of a series of workshops across the state. The workshops were held in Tacoma, Pasco, Wenatchee, Bellingham and Vancouver and had good interest and attendance. The timing of the announcement of the scheduled places and

times came very close to the dates of the earliest workshops, which no doubt resulted in some individuals being unaware or unable to attend. We do regret this occurrence and will work to avoid such in the future.

The primary goal of these workshops was to solicit opinions and perspectives on the following topics. The comments of the participants are summarized below.

PASCO

Engineering practice by public sector PEs:

- My experience in electrical engineering shows that review and permitting by the staff of the Department of Labor and Industries are making engineering decisions but do not hold registration.
- There is resistance to having the public sector PEs stamp plans or reports because it adds costs and liability to the agency.
- I think the same rules should apply whenever engineering is performed regardless of whether it is public or private.
- Perhaps the Board can write rules that make a more concise statement explaining that reviews to assure compliance with a checklist would not rise to the level of professional level judgment.
- I am not sure that making a public sector PE stamp a report discussing the review findings helps the public.

Direct Supervision and Stamping of Plans:

- The process of doing a report and attaching that to the reviewed plan is not always acceptable to local government.
- I am thinking that many engineers still do reviews and stamp plans, like for pole buildings designed out-of-state.
- The policy or position of the Board seems a good solution yet not all local government authorities understand the importance of only stamping documents prepared under one's Direct Supervision.

License Mobility with Canadian Provinces:

- I am licensed in both Alberta and Washington. The processes are different but the quality of the engineer licensed is the same.
- Just because a P. Eng. obtains a license in a different way doesn't mean they are less of an engineer any more than a US PE is a better engineer for having passed a certain exam.

- Some P.Eng's may cause difficulty practicing in the US since they do not take a professional level technical exam.

Incidental Surveying by PEs:

- I don't know many PEs who do topography surveys. Maybe only on small sites but on large, complex projects it is done by an LS.
- It seems to me that what a PE does in regard to topographic measurements could be explained as "engineering measurements" instead of the practice of land surveying. Obtaining information in preparation for a design is a common requirement for a PE, such as determining water system locations, pipe sizes etc.
- Since there is no pattern to suggest that topographic mapping by PEs is causing a high level of errors, why even bother with any changes.

WENATCHEE

Engineering practice by public sector PEs:

- Is the review performed by the public sector licensees the practice of engineering or land surveying?
- I have worked in the public sector many years. Most reviews are not at the same level as the designer but if the review produces instructions to change a design to certain content, then those instructions should come from a licensee.
- Doesn't stamping add to the agencies liability? Would the Board take disciplinary action against a public sector PE?
- Work by the public sector engineers is either engineering or it is not. If it is engineering then their work product should be stamped, no exceptions. If it is not engineering then no stamping is needed.
- I think the same rules should apply to all engineers.

Direct Supervision and Stamping of Plans:

- I don't think all engineers understand this rule.
- If an engineer stamped a plan, could the engineer be guilty of unlicensed practice?
- Some local agencies will not accept the report.
- When I was reviewing plans I usually just looked for the stamp on the plans.
- I am not sure the report idea makes any difference since some of the attached reports discuss very little and may just be another way for a licensee to skirt around the need to actually review plans.

License Mobility with Canadian Provinces:

- It seems (comity with Canada) like a good idea.
- Would the Board need to do the same with other countries? What about Mexico?

Incidental Surveying by PEs:

- I work in an engineering firm and we outsource the complicated work. As a design engineer I sometimes take selected measurements without using a survey crew.
- The engineers who work on site development need the ability to do topographic mapping since they know best what they need for their work.
- Has the Board taken any disciplinary action against a PE for bad topography work?
- It would seem that if there is a problem with topographic mapping, whether it is done by a PE or LS, the Board could take action against the licensee.

BELLINGHAM**Engineering Practice by Public Sector PEs:**

- On city projects done by the agency the project documents are signed and sealed by a city PE. On capital improvement projects and private projects none of the documents are signed and sealed but are stamped with a stamp of review approval that documents meet city standards permitting process.
- Signing and sealing for reviews for code compliance should not need stamps. For plans that require engineering design, YES require stamping.
- I feel this is a non-issue, because just what does “review” mean?
- On plan checking we see major flaws on almost every design that is submitted, so plan checking for code compliance is an important process.

Direct Supervision and Stamping of Plans:

- Leave the law as it is.
- Board needs to educate the building officials that are trying to force plan stamping.

License Mobility with Canadian Provinces:

- We see this issue here in Whatcom County. We get Canadian engineered wood products that need certification.
- I think this should be like trying to get another state license, say like Alaska. There may be issues that are different for that area.

- I like the idea of a Canadian engineer having to work with a US PE for some period of time.
- One of the biggest challenges is dealing with DOEs complex and overly sensitive storm drainage laws and rules. We feel there should be an exam that a PE has to pass prior to licensure.
- The P.Engs I know are very competent. This sounds more like a question of economics.

Incidental Surveying by PE's:

- PEs need to do this work as long as it doesn't involve boundaries or rights of ways/easements.
- As long as it is within their area of expertise and they are signing and sealing the work.
- They need to be able to do work that is a part of their project.

VANCOUVER**Engineering Practice by Public Sector PEs:**

- Unlicensed technicians or consultants are going beyond code compliance reviews and are requiring redesigns.
- PE's are required to compromise designs to get projects moving.
- DOE's new storm water manual has been adopted by agencies as code. This manual is complex and requires many engineering design decisions when plans are being developed. The reviews by professional engineers must be signed and sealed. If they disagree with the design engineer it would be based upon differences in engineering judgment.
- If public sector engineers are required to sign and seal their work it will lead to additional costs and project delays.
- Unlicensed individuals who have overstepped their knowledge areas are doing reviews.
- If an agency is basing approval/rejection decisions on a package where engineering design decisions are being made, then the review comments should be signed and sealed.
- Would like to see county professionals signing and sealing their reports and designs.
- The review of storm water and onsite engineering designs by unlicensed technicians is widespread problem.
- Redline reviews are the same as design reviews and they need to be signed and sealed by a licensed professional.

- In almost every private developer plat, planners are doing plat reviews with little land surveying skill.
- There needs to be a guideline of what reviews technician can do and what they cannot.

Direct Supervision and Stamping of Plans:

- How do you provide direct supervision in the case of plans that were developed and now need to be taken over because the original PE is not available?
- Don't liberalize, things work now just fine.

License Mobility with Canadian Provinces:

- Continue the study. Canada has a good system.
- Can understand not making them take EIT exam but should not waive the PE exam.
- Needs to be looked at from the aspect of depth and breath, if depth and breath is there then question is moot.
- Need to use same process that applies to other US states.

Incidental Surveying by PEs:

- Engineers should not be allowed to practice topographic mapping.
- PEs should be allowed to collect data for engineering designs but not when boundaries are involved.
- As a public sector professional I see where professional engineers go beyond just topos for design information and usually show boundaries.
- Engineers need to be able to show data relating to their projects.
- If boundaries are involved then engineer must cite where boundary information came from or have complete boundary survey done by LS.
- From government aspect of protecting the public engineers shouldn't be doing topos.
- Engineers need to be able to do some incidental topos. It's needed for their designs.

In addition to these Board scheduled events, the North Olympic Chapter of the Land Surveyor's Association of Washington invited the Board to make a presentation to its membership on June 16th. Like the other sessions, there was active exchange with stakeholders and they reflected similar views as those summarized above.

WHERE DO WE GO FROM HERE?

The Board is always interested in the opinions and comments of its stakeholders. The topics discussed in these workshops, and in previous Journal articles,

represent subject areas that the Board believed needed broader perspective. The input from stakeholders has done just that and will have impact on how the Board will address these issues.

To each of you that took the time to attend these sessions, send letters or emails, the Board is gratified that you cared enough to share your views with your colleagues and us. The Board is also very thankful to the professional associations, to which many of our licensees belong. These organizations were of significant assistance in spreading the word through state and local networks to encourage participation.

Board Signs Resolution With PNWER Members

On July 14th, the Washington Board became one of the signatories on a resolution sponsored by the Pacific Northwest Economic Region (PNWER). Attending the 2004 Annual Summit of PNWER, George Twiss, Executive Director, signed the following resolution supporting the intention to work to remove legislative barriers that would limit a jurisdiction's ability to accept Canadian engineer credentials as equivalent to a United States PE. While the resolution itself does not obligate a jurisdiction to do or take any particular action, it demonstrates a willingness to support the spirit of mutual recognition. PNWER is an organization comprised of government and business leaders from the states of Washington, Oregon, Idaho, Montana, Alaska and the provinces of British Columbia, Alberta and Northwest Territories.

***WHEREAS** it is understood and agreed that the licensure systems applied by the licensing authorities in both Canada and the United States within a PNWER jurisdiction, although different in many respects, appear to provide reasonable assurance that persons so licensed by all these jurisdictions are fully qualified and experienced to practice the profession of engineering, in their jurisdictions,*

***THEREFORE** the licensing authorities are encouraged to seek any legislative or rules/regulations or policy amendments, if necessary, to provide to the Board/Council the authority to issue a license to a person licensed in another PNWER jurisdiction where, in the opinion of the Board or Council, the licensure requirements of the home jurisdiction of the applicant are substantially equivalent to those required by the host jurisdiction,*

***AND THAT** legislative representatives of the jurisdic-*

tions participating in PNWER are encouraged to introduce and support any legislative, rules/regulation or policy amendments that may be required in their home jurisdiction to facilitate such agreements.

As it stands now, the current wording in Washington law, chapter 18.43 RCW, gives the Board the discretion to license an individual “without further examination.” If the Board were to conclude that the standards of “minimum competency” are equivalent between US and Canadian licensed engineers, it would become necessary to make some modifications to administrative rules to recognize that determination.

For now, the Board is gathering detailed information on the Canadian licensing model through site visitations observing British Columbia and Alberta licensing board meetings. In the future, members of this Board will be attending, as observers, an accreditation visit at a Canadian University. The accreditation process is performed by a team from the Canadian Education Accreditation Board (CEAB) and reviews the curriculums of the engineering schools. The visitation is intended to offer our Board the additional opportunity to compare the Canadian accreditation process with that used in the US by the Accreditation Board for Engineering and Technology (ABET).

NCEES Annual Meeting Action Items

On August 15th, the annual meeting of the National Council of Examiners for Engineering and Surveying concluded by taking action on some issues that may have long-range effect upon the licensing of engineers and land surveyors. A small sample is shown here. Visit the NCEES website: <http://ncees.org>, in the weeks ahead for more information from the annual meeting.

- National Structural III Examination: This initiative was undertaken by the Boards from Washington, California and Illinois to have NCEES write a national SE III examination. The vote of the council directed the matter for action by the Board of Directors in November 2004. The postponement was attributed, in part, to concerns about whether there was sufficient need (at least ten states) to use the new exam. If the BOD does finally act to authorize this examination, the states of Washington and California have promised to contribute resources to the cause. The first administration is tentatively planned for October 2006.
- Revisions to policy on use of calculators: As candidates

who have sat for NCEES examination in April 04 will remember, the NCEES established a list of calculators that **would not** be permitted to be used in the examinations due to the ability of those items to handle detailed data input, alpha text processing, and wireless communications. Since that time the feedback has shown that trying to list all unacceptable calculators was extremely difficult. As a result the council announced a change to list only those calculators that **would** be permitted. This revised list will be distributed in time for the October examination.

- Model Law Engineer – Structural Engineer: With a vote of the council, the Records Program was to be amended to accept applications from individuals to have their council record certified as MLE –Structural. Last year the council adopted the action to create the designation and define its requirements. This year the action was to approve the implementation on the change into the council’s record program.

Its Not Too Early

In the summer of 2005 two positions on the Board will be subject to appointment or reappointment by the Governor. One position is for a professional land surveyor and one is for a professional engineer (structural).

Next year marks the end of the ten years of service to the Board by Al Hebrank, PLS. It is also the end of the first term of Ying Fay Chan, PE. For Mr. Hebrank’s position a new appointment of a professional land surveyor will need to take place. The position held by Mr. Chan is for a professional engineer licensed in structural engineering. The governor will consider new applicants as well as any request by Mr. Chan that he be reappointed to a second term.

Are you interested in filling a role that can significantly influence the direction of engineering and land surveying practice in Washington? Do you know of someone who has the commitment to tackle the tough issues involving licensure of engineers and surveyors for the next five years? If so, now is not too early to start the application process.

On our website (www.dol.wa.gov/engineers/engfront.htm) you will find a link that contains basic information on the qualifications for board service as well as an idea of the type of work and time commitment an appointee can expect. In addition you will find the application form and the address of where to send the application.

It's All About Protecting Survey Monuments

**By: David Steele, PLS, Survey Manager, DNR
George Twiss, PLS, Executive Director**

About two years ago, the Department of Natural Resources (DNR) and Board of Registration for Professional Engineers and Land Surveyors staff collaborated about how to better protect all survey monuments, including property corners, geodetic control points, and elevation bench marks. A letter was sent to all land surveyors and most engineers working for city and county agencies that was intended to increase awareness about monument protection responsibility. This article outlines further educational efforts and policy changes that have been discussed since that letter.

Current Washington State law and rules governing the recovery, removal and replacement of survey monuments seem to be unknown, misunderstood, ignored or interpreted as optional by construction and road surfacing contractors and the licensees who oversee the work being performed. This results in many property corners being buried, disturbed or removed without any steps being taken to protect their locations. Elevation benchmarks are also affected by careless oversight, which seems to illustrate little concern for the expense of their establishment or reestablishment. Reliable survey monumentation, especially those that are part of a high accuracy reference network, are invaluable assets and part of the public infrastructure.

RCW 58.24.040 (8) makes reference to a permit process for temporary removal of monuments. Many local government agencies resist the idea of being required to obtain a state permit for something they feel is already their responsibility. Yet there is very little consistent evidence that responsibility is recognized or assigned. The whole concept of the permitting process, as outlined in Chapter 332-120 WAC, was to bring unified attention to the need to maintain this monumentation in a consistent way by those who do construction within our many utility and roadway corridors, and to further alert licensees that some professional responsibility may exist.

Laws are generally enacted to address an apparent need that previous laws did not cover. The legislature has seen fit to establish this requirement and the Department of Natural Resources, along with the Board of

Registration, have initiated this effort to make the legislative intent a reality.

A land surveyor may blame the engineer in charge of the project for not ensuring monuments are protected as part the plan and contract. The engineer may then blame the utility company or contractor for not calling before they dig. The contractors may then claim that the cost of protecting monuments was not clearly specified in the contract scope. As a result, little is accomplished and obtaining the permit is seen as far too troublesome and work proceeds as usual. Simply put, the finger pointing must stop, responsible professionals must be designated to address this, policies should be revised to include monument protection, and proper funding to protect our infrastructure budgeted as a normal part of any project.

So how can we elevate the collective understanding about the need to maintain these assets without incurring a bureaucratic paperwork nightmare?

One solution, as written into Idaho statute Title 55 Chapter 16, is to designate any professional engineer who prepares plans to be responsible for protection of all visible or recorded monumentation. All monumentation that is disturbed will be repaired or replaced by a land surveyor at the expense of the person or agency causing the loss. Penalties and compliance are also part of this type of legal solution, yet may be very difficult to administer when non-professional activities occur such as maintenance or utility repair activities.

Another approach is to work on the policies that have the most effect upon our monumentation. For example, if the county has a policy that adds a monument protection step in the plat approval process, then land surveyors can reference this regulation and include monument protection or replacement as a specific line item within their contract.

The DNR and the Survey Advisory Board are currently working toward implementing policy changes within a test group of County and City agencies. The test group met during July 2004 to discuss use of interagency agreements and policies to meet the intent of RCW 58.24.040 (8) and Chapter 332-120 WAC. A current DNR policy outlines the use of an interagency agreement, which allows the temporary removal or destruction of monuments through an alternative process. The alternative process will be started with local government agencies in Washington that can agree

to the following:

- a. Outline the process used for any project that may cause the temporary removal or destruction of monuments.
- b. Use a clause relating to the preservation of monuments within their public works contracts.
- c. Notify certain agencies when geodetic control or local control points are subject to removal.
- d. Designate an administratively responsible professional engineer or land surveyor to manage the agency's monument protection program.
- e. Report and submit documentation of monuments affected to DNR at least every 6 months.

Another issue to address is utility companies operating within county and city administrative areas. Since they are required to obtain operating permits from the local government agencies, an agency ordinance or local government policy could contain a requirement for the utility companies to provide for monument protection and ensure the appropriate temporary removal permits are obtained. DNR also plans to work directly with a couple different utility companies to develop a communication and education plan that will increase their awareness of monuments.

Once the agreements and policies have been tested for a couple years, DNR and the Survey Advisory Board will have a better understanding about what should be included within a rule change. WAC 332-120 will then be evaluated for possible revision through normal rule making procedures, including public hearings, and will likely include some form of streamlined monument protection format with dispersed responsibility and improved compliance. Full cooperation will be needed from responsible professionals who are working under the license administration of the Board of Registration for Professional Engineers and Land Surveyors. These are the individuals that can influence the implementation of local policies, contracting, and local utility permitting with adequate protection of monuments.

Protecting the survey monument infrastructure is everyone's responsibility. Call the Department of Natural Resources, 360-902-1194 (Ted Smith), to report any disturbed, destroyed, or covered survey monuments. A letter can then be sent to the City or County Engineer citing the RCW and WAC and to make a determination about their replacement or to raise and expose the monuments.

As The Courts See It

Al-Khattat v. Engineering and Land Surveying Examining Board for the State of Iowa (2002)

Dr. Ibrahim Al-Khattat filed an application with the State of Iowa Engineering and Land Surveying Examining Board for licensure without examination as a professional mechanical engineer. Dr. Al-Khattat has enjoyed a long and distinguished career in the engineering field. In 1987, he became registered as a charter engineer in the mechanical engineering branch of the United Kingdom. In doing so, Dr. Al-Khattat was required to satisfactorily complete a professional review, basically consisting of a written report summarizing his career and detailing at least one significant engineering project demonstrating his experience, and an oral interview by his peers concerning the projects and experiences listed in the written report. The Board denied the application, concluding the United Kingdom licensing process was not based on requirements and qualifications equal to those imposed on applicants seeking licensure by examination in Iowa. The Board found Dr. Al-Khattat's failure to pass the Principles and Practice of Engineering examination, or an equivalent examination offered by another jurisdiction, precluded his licensure in Iowa.

The Board denied Dr. Al-Khattat's request for reconsideration, and a contested case proceeding was initiated. Following a hearing, the Board denied the application for comity license, and the district court upheld the Board's decision on judicial review. Dr. Al-Khattat appealed the decision. He contends the district court erred in affirming the Board's conclusion that he did not successfully pass an examination designed to determine an applicant's proficiency to practice engineering.

BOARD DECISION AFFIRMED.

The Principles and Practice of Engineering examination is clearly designed to test an applicant's overall proficiency in the general practice of mechanical engineering. It is a uniform, standardized, objective examination, concentrating on the applicant's problem-solving ability. In contrast, the United Kingdom's professional examination is tailored to an applicant's particular accomplishments and experiences, and focuses on proficiency in a specific discipline. These differences between the two examinations reveal that the United Kingdom examination

was not designed to determine the proficiency and qualifications to engage in the practice of engineering. The evidence supports the Board's finding that Dr. Al-Khattat's foreign licensure was not based on requirements and qualifications equal to those found in Iowa law.

How do the laws of Iowa and Washington differ on this issue?

The Iowa law and regulations, upon which this ruling is based, deal with the equivalency of a non-NCEES examination. Iowa regulations state: "A non-NCEES professional examination, for instance, must be designed to determine whether a candidate is minimally competent to practice professional engineering in a specific branch of engineering . . . The examination must be written, objectively graded, verifiable, and developed and validated in accordance with the testing standards of the American Psychological Association or equivalent testing standards. *Free-form essays and oral interviews ... are not equal or superior to NCEES examinations . . .*" (italics added for emphasis).

The comparative Washington law (RCW 18.43.040) states that other than experience: "... an applicant must successfully pass a written or oral examination, or both, in engineering as prescribed by the board."

In board rule (WAC 196-12-045), the comity provisions that would cover an individual with a foreign license state: "the applicant is in good standing with the licensing agency in a state, territory, possession, district or foreign county [and] the applicant has been qualified by written examination determined by the board to adequately test the fundamentals and principles and practice of engineering."

The Washington Board Journal Questions & Answers

Question:

I am aware of the passage of the act for the Uniform Regulation of Business and Professions, frequently referred to as the URBP. On the whole, I see the law as a significant improvement to enable the board to deal with unprofessional conduct as well as licensees to have a much clearer list of obligations. Yet a certain portion of this law does concern me.

Specifically, I am referring to RCW 18.235.130(6)(d) that considers it to be unprofessional conduct to not provide authorized access to representatives of the board during regular business hours at a facility I use for my business. Can you explain why the Board needs this authority?

Answer:

The URBP was an omnibus act that was drafted to include provisions addressing all the needs of the 25 programs within the Business and Professions Division. In this division of DOL, some programs have audit responsibilities (e.g. real estate, funeral directors) while others have inspection requirements (e.g. cosmetology), and have always had the ability to access the business locations of its licensees.

In its early draft form the Board asked that this section be amended to include a phrase that this provision would only apply to those programs that had existing audit or inspection responsibilities. They asked

We've Changed ...



On September 1st, there was a change of office hours for the programs in the Business and Professions Division (BPD) of the Department of Licensing in Olympia, including the offices of the Board at 405 Black Lake Blvd., Bldg. 2

Payments for new applications, license renewals and other remittance will be accepted Monday through Friday from: 8:30 a.m. to 4:30 p.m.

All other services will be provided Monday through Friday from: 8:00 a.m. and 5:00 p.m.

Our Hours for Accepting Payments

Alternatives available:

Internet services and information via Board's website:
www.dol.wa.gov/engineers/engfront.htm

Telephone services: 360-664-1575

Direct mail:

Remittance mail:

Board of Registration

P.O. Box 9048

Olympia, WA 98507-9048

Correspondence:

Board of Registration

P.O. Box 9025

Olympia, WA 98507-9025

for this due to the strong concerns that were raised by stakeholders. Yet, given this was to be broadly applied and other licensed groups supported its form, our suggestion was not accepted.

There is no history of the Board (through its investigators) ever attempting or even seeking access to a business location without the full and voluntary consent of the licensee. In most of those circumstances it was offered as a site of convenience to the licensee so they would not have travel to Olympia or another location. Admittedly, this law now gives the Board that authority, however, since so much of the evidence on typical board investigations is readily accessible by mail, fax or public record, there is literally no foreseeable need for the board to use this provision.

Question:

I am a building official and have a situation involving the remodel of an existing multi-family structure. This local project has been in review for some time and, due to politics, designer inactivity and other issues, the project was permitted with the stipulation that a professional engineer would be at the site to oversee the construction, design the necessary revisions as they became evident during the process and submit the revisions for review and approval.

As the project progressed, the engineer and the owner/contractor began to have various misunderstandings and personality conflicts resulting in the engineer leaving the project and removing his seal from all design documents that were not yet approved and permitted. Only the foundation has been approved to this point even though other designs are significantly complete. Now the owner is stuck without an engineer and wants to finish the project. They hired a new engineer to do structural roof alterations only.

What licensing issues exist on the unapproved work by the first engineer? Can we allow the owners, who have been stymied by this conflict, to continue under the new engineer's stamp?

Answer:

First, given your situation the only design issues assumed by the second engineer are those designs he prepared (or is preparing) for the roof alterations. It also appears the second engineer is retained to continue the construction management as required. As a construction manager he has responsibility to inform the clients and

yourself of any defects they observe in the project design regardless of whether the design was previously stamped or not.

Second, the first engineer is apparently the engineer of record for the foundation design he prepared. However, without knowing the exact conditions upon which the first engineer was terminated, it is difficult to respond precisely on what obligations or use can be made of the now unstamped redesign. The ownership and reliability of those plans should be resolved before construction proceeds.

Question:

I have heard that the Land Surveyor's Association of Washington will reintroduce their proposal to add continuing education requirements for land surveyor license renewals. Does the Board support this initiative?

Answer:

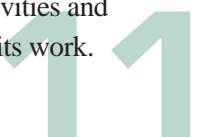
In the past the Board has opposed changes to the registration act that established CE requirements for license renewal. Their position was based upon a majority belief that such programs add administrative costs and do little to improve the quality of practice by licensees. Yet, while individual Board members may or may not hold that same opinion, the Board and the Department of Licensing have not and will not oppose this proposal in its current form. If the legislature sees fit to pass the initiative, we will do our very best to implement its provisions in the most reasonable and cost effective method possible.

Question:

I thought I read somewhere that the on-site program had to report on the effectiveness of the program. Has this happened?

Answer:

Actually, the governing statute, RCW 18.210.210 states in part, *"By July 1, 2005, the department of licensing and department of health shall convene a review committee to evaluate the licensing and certification programs established under this chapter"*. The program assumes that a resulting report will be produced by the committee. This work should begin this winter and the program has established an "issues" list for the committee to contemplate. Preparations are also underway to conduct a new job analysis or "PAKS" study – Professional Activities and Knowledge Study, to assist the committee in its work.



On-Site Designer Licensing

Topographic Mapping Is Not Just For Surveyors

As all licensed On-Site designers must now realize, the scope of knowledge they need to have to support their design practice goes beyond simply designing a wastewater treatment system. They are expected to know and correctly use basic topographic measurement methods to properly illustrate site conditions (design drawing) and the true location of the finished installation (as-built/record drawing). It is becoming increasingly evident that many practitioners do not fully understand how to make accurate measurements or believe that what may have been seen as “good enough” before the new licensing program was enacted is still OK. The reality is quite different.

Licensees from all backgrounds are required to practice in only those areas where they are competent. If they lack sufficient knowledge to perform certain tasks then it is their responsibility to either have others do the work or obtain the necessary training to be able to provide the services themselves. It is also necessary for those who review designer plans within the local health jurisdiction to insist that design and as-built measurements be accurately made and illustrated. It is of little value to anyone to have a design so poorly measured and illustrated that an installer must rely upon his or her own interpretations to install the system designed.

It would seem that to provide educational opportunities in basic topo measurement techniques would be a useful undertaking. Perhaps a collaborative effort between the Washington State Environmental Health Association or the Washington On-Site Sewage Association and the Land Surveyors Association of Washington would be an effective delivery system.

The Board and the members of the DOL On-site Advisory Committee urge licensed designers to evaluate their proficiency in this area and take steps to improve skills where needed. Incorrect or sloppy measurement techniques will eventually come under close review when a complaint is filed. At that point it may be too little too late.

On-Site Examination Results

The Board administered the latest licensing examination for on-site wastewater treatment system designers and inspectors in April 2004. A total of 33 applicants were approved to take the exam. The following is a breakdown of applicants and performance:

RESULTS	Designers	Inspectors	Total
Pass	9	4	13
Fail	12	8	20
No-Show	0	0	0
Total	21	12	33

Board Bids Farewell to On-Site Advisory Committee Members

This October marks an end to the second terms of two of the original members of the Board's On-Site Designer Licensing Advisory Committee. Paul Gruver, licensed designer and owner of *SoilTech* out of Sequim, and Larry Fay, former Environmental Health Director with Jefferson County and now the section manager for Community Environmental Health, Seattle-King County, have been with the committee from its inception in 1999.

With their leadership, and that of others, a significant amount of work was accomplished over the course of the first five years of the program. While fully understanding the existence of challenges ahead, the members of the Advisory Committee accomplished the detailed development of a new licensing program, not a particularly easy task given that some of the program's stakeholders were not entirely convinced of its merits. Still, both Paul and Larry took this legislative charge head on with energy, enthusiasm and conviction. While not always initially agreeing on the issues and solutions, they were able to be effective and work cooperatively for the betterment of this profession. Here are some brief thoughts they've shared of the experience.

LARRY FAY: *My most significant accomplishment has been being involved in the growth and improvements of this industry. Back in 1995 a small group of*

us were working with the Board toward conceptualizing a pilot project that would have blended a DOL qualification screening process with a local license. That specific effort was not completed but it did serve as a starting point of the collaborative effort that eventually resulted in the passage of the Designer licensing program in 1999. Actually, upon reflection, I think that the most significant accomplishment was getting the legislation approved in its first year of sponsorship, a testament to the hard work of DOL, DOH and all the committee members that worked through the process.

PAUL GRUVER: *For me, few efforts could be as significant as was the unique opportunity to help develop the program for a new profession. The Designer is now expected to play a central role all the way through an on-site wastewater project. It is my view that Washington has gone further than any other state now in placing responsibility for the design, and the project itself, in the hands of the system Designer. Responsibility implies a degree of authority, but it also carries accountability. Think about the changes that must come. The implementation of standards for competent knowledge, conduct in practice, completeness in design service, and continuing development will be the significant focus of the next few years. As Designers of on-site wastewater systems we must encourage one another to pull together as new professionals.*

Examinations

APRIL 2004 Examination Results

	Total	Pass	% Pass
Fundamentals of Engineering (EIT)	466	311	67%
Principles & Practice of Engineering			
Architectural	1	0	0%
Chemical	10	5	50%
Civil	275	162	59%
Electrical	51	31	61%
Environmental	6	6	100%
Mechanical	102	67	66%
NA/ME	6	5	83%
Structural II	22	12	55%
Fundamentals of Land Surveying (LSIT)	28	13	46%
Principles & Practice of Land Surveying (NCEES)	16	10	63%
WA Specific L S (2-hour)	59	21	36%

Structural III Exam to Offer Code Choice

The October 2004 administration of the Washington Structural III Examination will offer a choice of codes in its grading scheme for building problems. Depending upon the preference of the candidate, they will be afforded the choice of solving the building problems using the 1997 UBC or the 2003 IBC and appropriate reference standards. For administrations after October 2004, the Structural III examination will require solutions based upon the 2003 IBC and appropriate reference standards until further code changes would require a further modification of the specification.

The Structural III matrix will remain the same, except that wind load problems will no longer be tested on the Structural III exam as they are now being tested in the NCEES Structural II exam.

Board Pilots Direct Examination Results Notification

In cooperation with ELSEES, the Engineer and Land Surveyor Examination Services affiliate of NCEES, the Board is piloting a new process for notification of licensing examination results. Currently the Board receives test results from NCEES and forwards them to applicants, along with information regarding the steps necessary to complete the licensing process. This process can take between 12 – 14 weeks after the date of exam.

In an effort to improve the turnaround time on issuing results, we will have results on the NCEES examination issued directly from NCEES. This experiment will be used for results from both the October 2004 and April 2005 examinations and could reduce the waiting time to less than 10 weeks. After the results of the April exam are released the Board will evaluate this process to determine if it should be continued.

Forest Engineering Exam To Continue For The Time Being

Last year the Board had taken the position that due to the low usage rate on the Forest Engineering examination they would discontinue to offer the exam after this year. Since that time the Board has modified its position and will continue to accept applications for licensure in Forest Engineering.

Yet even with this reprieve, the Board remains committed to ensuring that the exam is fair and balanced while still achieving a quality standard of minimum competency in Forest Engineering. Realizing that Oregon is the only other state that licenses in Forest Engineering it only made sense to join efforts and produce a common exam with a broader scope of support. To that end, the Washington and Oregon Boards recently approved a Memorandum of Understanding to jointly develop and administer future Forest Engineering examinations.

While the details remain to be fully identified, the Boards are prepared to combine existing exam item banks and subject matter expert (SME) resources toward a common exam for both states. This joint effort will very likely produce some changes in the exam format as well as when and where the exam will be offered. It has also been agreed in principle that with this initiative in place individuals who become licensed in one state would have a very brief process to become licensed in the other state without further examination.

This will be a rapidly developing issue. If you are considering licensure in Forest Engineering or know someone who is, the Board's website should be consulted for updates.

www.dol.wa.gov/engineers/engfront.htm

Investigations & Enforcement

Statistics of Disciplinary Actions Taken by the Board from January 1, 2004 through June 30, 2004

Active investigations as of Jan 1, 2004	57
Complaints Opened for Investigations	25
Investigations Closed	27
Active Investigations as of June 30, 2004	55

Summary by Month:

January	8	3	5
February	6	2	4
March	1	1	3
April	12	3	2
May	No Meeting		
June	10	2	9
Totals	37	11	25

Summary by Profession as of June 30, 2004

	Active Investigations	Compliance Orders
Prof. Engineers	22	1
Prof. Land Surveyors	16	5
Unlic. Engineers	7	0
Unlic. Land Surveyors	5	0
On-Site Designers	5	3
Totals	55	9

Summaries Of Investigations And Actions By The Board

In the following case summaries you will read of the disciplinary actions against licensees from January 1, 2004 to June 30, 2004. In each disposition the Board accepted the recommendations of the case manager, unless stated otherwise. For those cases involving a Board order, each licensee will be monitored for compliance.

These summaries are not intended to disclose complete details related to any given investigation or action. While every effort is made to ensure accuracy of the information shown, anyone intending to make a decision based upon this information should contact the Compliance Officer, John Pettainen, at (360) 664-1571 for full details.

FORMAL ACTIONS:

Engineering

Daniel Wambeke, PE, Case No. 01-08-0003

This Board generated investigation was opened after receipt of an inquiry from a city official questioning whether Mr. Wambeke properly stamped plans. Said plans supported a building permit application for a proposed pre-engineered steel building. During the course of the investigation, Mr. Wambeke, while explaining his engineering activities related to specific portions of the plans, admitted that he did not provide input into all aspects of the design plans that contained his seal and signature.

The case manager believed Mr. Wambeke's behavior was a violation of acceptable professional conduct. Based upon that conclusion, the case manager authorized the issuance of a Statement of Charges. In addition, given this appeared to be an isolated incident, a settlement opportunity was also offered. Mr. Wambeke accepted the settlement offer, which included a \$500 fine, completion of the Washington State Law and Ethics (take home) examination, and a course on professional ethics through Texas Tech University.

Land Surveying

Norman Oleson, PLS, Case No. 01-08-0005

Norman Oleson, PLS was the subject of a Board investigation based on a complaint about survey errors on property located within Cowlitz County, Washington. The investigation resulted in a belief by the case manager that Mr. Oleson violated multiple provisions of the applicable statutes pertaining to the practice of land surveying in the state of Washington. As a result, a Statement of Charges was issued September 15, 2003. Mr. Oleson requested a hearing and was duly notified of the time and place for this hearing; however, he failed to appear.

The hearing was held by default and resulted in a Findings of Fact, Conclusions of Law and Default Order signed by the Board chair on January 14, 2004. Said order revoked Mr. Oleson's license to practice as professional land surveyor and assessed a \$5,000 fine. The order further allows Mr. Oleson to obtain a new license to practice as a professional land surveyor after a two (2) year period provided that he gains two (2) years documented work experience under a licensed professional land surveyor and passes the then applicable examination process.

Bentley Shafer, PLS, Case No. 03-07-0004

The Board initiated an investigation of Bentley Shafer, PLS when it became known he was apparently aiding and abetting the unlicensed practice by an individual who had previously had their LS license revoked. The information showed that the unlicensed individual had performed the work for a large lot subdivision, yet Mr. Shafer sealed the maps that were neither prepared by him or under his direct supervision.

As a result of the investigation, the case manager authorized the issuance of a Statement of Charges. In conjunction with the charge documents, a settlement opportunity was offered. Terms of the Agreed Order included: a reprimand; \$100 administrative fine; modifying an existing affidavit of correction and filing a regular affidavit with the reviewing agency; and enrolling in and completing the New Mexico State University "Professionalism and Ethics in Surveying" correspondence course.

Joe Willis, Jr., PLS, Case No. 02-08-0002

Joe Willis Jr., PLS was the subject of a formal hearing on March 11, 2004. The hearing was the result of a Statement of Charges issued by the Board January 8, 2004 concerning his practice as a professional land surveyor. The charges alleged that Mr. Willis, Jr. failed to record a survey within the time frame required by law and, failed to respond to the Board during the investigation. As Mr. Willis, Jr. did not respond to the charges, the hearing was held by default and resulted in a Findings of Fact, Conclusions of Law and Default Order signed by the Board chair on March 11, 2004. Said order suspended Mr. Willis Jr.'s license to practice as a professional land surveyor for one year. The suspension was stayed for a period of up to one year pending completion of an ethics course and payment of a \$2,000 fine. If Mr. Willis, Jr. fails to complete any of the terms of the order, the stay shall be lifted and the suspension imposed. *(Mr. Willis failed to pay the assessed fine, and his license was suspended on May 9, 2004).*

Arnold Wood, PLS, Case No. 00-01-0005

The Board initiated an investigation of Arnold Wood, PLS after receiving information that alleged Mr. Wood prepared nine (9) surveys that failed to meet minimum standards. After review of the investigative files, the case manager observed a number of shortcomings in Mr. Wood's work and maps prepared, including placing his seal and signature on a map that reflected work that was not prepared by him or under his direct supervision, failure to provide a new map for recording, failure to provide required identifying data, lack of information on the basis of his decisions, failure to show locations of existing features and incomplete explanations for the analysis and justification of assumptions.

The case manager authorized the issuance of a Statement of Charges and an administrative hearing was scheduled. Through a series of discussions, prior to the scheduled hearing, Mr. Wood offered to correct the subject surveys. The case manager and Mr. Wood accepted the settlement offer, which included: preparing amended Records of Survey for the nine (9) subject surveys within a one-year period. Said surveys are to be submitted to the Board for review prior to filing with the county auditor.

David Kennedy, PLS, Case No. 01-02-0002

The Board's investigation of David Kennedy PLS was prompted by a complaint that raised allegations of survey errors concerning a survey performed by Mr. Kennedy in 1992. As a result of the investigation, the case manager authorized the issuance of a Statement of Charges alleging multiple counts of failing to comply with survey standards. Said charges included, in part, failure to provide required identifying data, lack of information on the basis of his decisions, and failure to show locations of existing features.

Prior to the scheduling of an administrative hearing, a settlement was reached. Mr. Kennedy agreed to surrender and retire his license to practice as a professional land surveyor with no option of applying for a new license. In addition, he was required within ten (10) days to return his Board issued wall certificate and license.

On-site Wastewater Treatment Designer**Eric Lobdell, Case No. 01-05-0004**

This investigation of Eric Lobdell, On-site wastewater treatment designer, was based on allegations from a property owner and former client, and concerned Mr. Lobdell's activities while registered as a practice permit holder. Allegations included that Mr. Lobdell failed to provide prompt and on-going information to his client or respond to client requests for information. Said actions resulted in additional costs and project delays. Mr. Lobdell further failed to respond to the Board's requests for information.

It was the case manager's opinion that Mr. Lobdell's conduct failed to meet the expectations of a permit holder or licensee authorized to design On-site wastewater treatment systems. The case manager authorized the issuance of a Statement of Charges. In conjunction with the charge documents, a settlement opportunity was offered. Terms of the Agreed Order included a \$250 administrative fine and required Mr. Lobdell to read the "Guidelines for the Professional Practice of On-Site Wastewater Treatment System Design" and submit an affidavit to the Board stating he will use said guidelines in the conduct of his business.

Ronald Hulin, Case No. 01-11-0005

The investigation of Ronald Hulin was opened based on allegations that, while performing On-site design activities as a practice permit holder, he failed to provide prompt and on-going information to his client; respond to client requests for information; failed to inform his clients of lost checks; and, provided misleading information concerning the degree of project completion. Said actions resulted in additional costs and project delays to his client.

It was the case manager's opinion that Mr. Hulin's conduct failed to meet the expectations of a permit holder or licensee authorized to design On-site wastewater treatment systems. The case manager authorized the issuance of a Statement of Charges. In conjunction with the charge documents, a settlement opportunity was offered. Terms of the Agreed Order included a reprimand and a requirement for him to read the "Guidelines for the Professional Practice of On-Site Wastewater Treatment System Design". He was also required to submit an affidavit to the Board stating he will use said guidelines in the conduct of his business.

Mark Babbitt, Case No. 02-07-0006

This investigation was opened after review of a county official's complaint that alleged Mark Babbitt, while performing On-site design activities as a practice permit holder, submitted multiple designs and as-builts that failed to comply with applicable county codes and departmental regulations. According to the complainant, Mr. Babbitt's actions resulted in additional costs and project delays to his clients.

The case manager concluded that Mr. Babbitt's conduct did not meet the expectations of a permit holder/licensee authorized to design on-site wastewater treatment systems and authorized the issuance of a Statement of Charges. In conjunction with the charge documents, Mr. Babbitt was offered a settlement opportunity. The Agreed Order included a reprimand and one year suspension. The suspension was stayed, pending the requirement that Mr. Babbitt submits an affidavit that he has read the "Guidelines for the Professional Practice of On-Site Wastewater Treatment System Design" and will use said guidelines in the conduct of his business. In addition, within ninety (90) days of the order's effective date, he was required to pay a fine of \$500.

INFORMAL ACTIONS:

Engineering

Case No. 01-05-0006

This Board generated investigation was opened after a corporation submitted a public records request for a list of professional engineers to the Board. Said corporation used the term “engineering” in its’ name without being registered as an engineering corporation in the state of Washington. The investigation revealed the corporation was not performing engineering activities but was a recruiting and placement service for professional engineers.

The case manager concluded that no violations were apparent related to how the contracts and hiring was handled. In addition, while one of the firm’s dba’s did contain the term “engineering”, it was his opinion that the public could not misconstrue the advertising and website information of the corporation as offering engineering services. The case manager recommended that the case be closed with no action.

Case No. 03-06-0003

This investigation was opened due to a complaint that alleged a corporation, through its’ web site advertising, was offering engineering services without a Certificate of Authorization and a Washington PE on staff. A search of Board records showed that the corporation named in the complaint was not registered with the Board, and Master License Services within the Department of Licensing showed the firm was providing electrical contracting services. During the course of the investigation, the corporation changed its’ website to reflect the work they actually perform. Given that the corporation took the initiative to change its website, the case manager recommended that the case be closed with no further action.

Case No. 00-05-0005

This investigation was opened, based on a complaint from a PE that alleged the geotechnical engineering services and technical adequacy of work performed by another PE were outside the accepted standard of care. The alleged activities were performed for a proposed subdivision located in western Washington. Of specific concern was the PE’s recommendation to

use pin piles to stabilize a house foundation and the use of ecology blocks as permanent retaining walls to retain some high fills.

After review of the investigation by the case manager and a geotechnical consultant hired by the Board, it was recommended that no action be taken since, while they did not agree with the licensee’s rationale and approach, it was not evident that the work failed to meet a minimum competency level for the work performed.

Case No. 03-12-0004

This Board initiated investigation involved allegations that a professional engineer prepared plans, details and calculations for a standard HVAC platform and subsequently submitted those plans to a reviewing agency while his license to practice in the state of Washington was expired. No allegations related to incompetent engineering practice were presented and the HVAC plans were subsequently prepared and sealed by another licensee.

The PE currently resides in California and admitted that, due to his oversight, his license to practice in the state of Washington did expire and has been subsequently renewed. Given that the PE’s engineering activities were limited to one project; no technical issues were involved; and, the PE has renewed his licensee, the case manager recommended that the case be closed with no further action.

Case No. 04-02-0003

This investigation was opened due to a complaint that alleged a firm, through its’ brochures and business cards, was offering traffic engineering services without a Washington PE on staff. A search of Board records showed that the individuals named in the complaint were not registered with the Board. The records from Master License Services within the Department of Licensing showed the firm was offering and providing “traffic engineering data collection services.” Investigation materials revealed the firm does not provide engineering services but collects traffic data and provides pavement striping. Given that the firm is not performing engineering services and has changed their brochure voluntarily, the case manager recommended that the case be closed with no further action.

Case No. 01-06-0004

In June 2001 the Board opened an investigation related to allegations that a firm and the firm's principal were advertising engineering services on the firm's website. That investigation was closed in September 2001 when the firm removed "engineering" from their name; "PE" was eliminated from the principal of the firm credentials; and, the firm's provided services were revised.

In October 2003 another complaint alleged that the original issues had not been corrected. The case manager again reviewed the new allegations from the original complainant. Based on this second review, it was the case manager's opinion that the additional information presented does not support a change in the Board's prior disposition of this matter.

Case No. 00-06-0001

This Board generated complaint was opened as the result of an inquiry alleging a firm and/or firm's principal may be offering and/or performing engineering services without a professional engineer on staff or a Certificate of Authorization from the Board. Allegations included reference to the firm's letterhead that used "contractors – engineers" below the firm's name. In addition, the website showed "general engineering" as one of the services offered.

The case manager found that while "engineering" may be referenced in conjunction with the firm's name or activities, information gathered during the investigation, disclosed no evidence that the firm is involved in providing engineering services. All available information showed that the firm is offering construction services and, if a specific project requires engineering services, said services are contracted to sub-consultants.

Given that no evidence was found to substantiate that the firm is providing engineering services, the case manager recommended that this case be closed with no action. However, he is requesting that the firm delete any references to engineering on their letterhead and/or website be changed to correctly reflect the firm's services. The Board may pursue a different disposition under the Uniform Regulation of Business and Professions Act (URBP) if cooperation is not provided.

Case No. 04-02-0004

In February 2004, the Board opened an investigation of an engineering corporation based upon information provided by a Professional Engineer working for the firm as guided by WAC 196-27A-020(4)(c), that the firm might be violating RCW 18.43.130 by offering engineering services to the general public beyond the limits of an industrial exemption. During the investigation a representative of the firm admitted that they were offering and providing engineering services to the general public, but had not recognized they were doing so unlawfully and agreed to come into compliance with the laws of the State of Washington as they apply to corporations.

After many weeks of apparent inaction it was the case manager's belief that the firm's effort toward compliance was not making the expected progress. Upon his authorization, the Board issued a *Notice of Intent to Issue a Cease and Desist Order*, on July 2, 2004. This *Notice* was a formal announcement by the Board that they were preparing to pursue administrative remedies for the firm's failure to come into compliance. The *Notice* gave the firm 20 days to request a hearing. Within that 20-day period the firm came into compliance with the laws of the State of Washington by filing the necessary forms, affidavits and fees. With the completed application being filed a Certificate of Authorization was issued. In a subsequent affirmation signed by the designated engineer, he confirmed that all of their engineering services work for the general public would be performed under the direct supervision of a professional engineer.

Land Surveying

Case No. 03-11-0001

The Division of Child Support (DCS) notified the Board that a professional land surveyor was in arrears of child support. As required by state law, an Order of Suspension was mailed to the PLS notifying him that effective November 5, 2003 his license to practice as a professional land surveyor was suspended.

Given that the Order of Suspension has been issued, the investigation was closed and the file referred to compliance monitoring.

Case No. 03-02-0002

This investigation was opened due to a complaint that alleged an individual, through his firm's website, was offering to perform and/or performing land surveying services without a Washington PLS on staff. Said services relate to the GPS mapping of golf courses to include the offer to provide accurate description of shapes, documentation of physical features, and accurate documentation of square footage.

The case manager found that while these representations may be interpreted as land surveying related, he found no evidence that the individual was advertising himself to be a licensed professional land surveyor in the state of Washington. The case manager recommended that this case be closed with no action; however, he also requested that the individual be cautioned to be sure that the activities he performs do not overlap into what may be considered land surveying or the Board may pursue a different disposition under the URBP.

Case No. 03-02-0003

This investigation was opened due to a complaint that alleged an individual, through the activities he performed for a Washington golf course and the services he offers on his firm's website, is engaged in the unlicensed practice of land surveying. Board records do not show the individual nor his firm is registered with the Board. The individual provided an explanation of the services he performed for the golf course and revised the firm's website to eliminate any reference to the term "surveying," as provided by the firm.

As the individual's surveying and mapping activities in Washington appear to be limited to one golf course project performed some three years ago; and, the individual has modified his firm's Website to remove all references to land surveying, the Board accepted the case manager recommendation that the case be closed with no further action. He also recommended that the individual be cautioned to be sure that the activities he performs do not overlap into what may be considered land surveying or the Board may pursue further action under the URBP.

Case No. 03-07-0003

This investigation was opened due to a complaint that alleged an Ohio firm was engaged in the unlicensed practice of land surveying by submitting requests for proposals to Washington professional land surveyors. The firm requires that as part of the proposal, the work appears on their title block, using their drawing format, their standards, and under their supervision.

The case manager found that the firm is procuring land surveying services, but does not perform those services. The alleged services, requested as part of the firm's proposal, are not covered in the definition of land surveying; and, the complainant's contention that the work is performed under the respondent's supervision is technically incorrect as the respondent has no direct control over the actual survey work.

Case No. 03-09-0001

This investigation was opened due to a complaint that alleged the PLS who performed a short plat failed to show the existence and location of a long-standing easement allowing access to the beach owned by an adjacent homeowners association; and, relocated said easement in a location that did not comply with the intent of a 1962 quit claim deed. The respondent stated that the easement could not be clearly positioned and that the replacement easement is "in keeping with the intent of the original grantor in providing access to the beach."

The case manager found that the respondent was taking considerable license with his interpretation of the intent of the original grantor and agreed with the complainant that the easement should have been shown on the plat. However, while the respondent's opinion was different than the case manager's opinion, his interpretation and location of the subject easement does not rise to the level of a violation of any laws or rules under the Board's jurisdiction.

Case No. 03-09-0002

This investigation was opened based on a complaint that alleged a PLS failed to record a survey he performed in August 2003. While under investigation the respondent filed the subject survey and provided a copy to the Board. The case manager found the survey in compliance with survey standards and recommended the case be closed with no further action.

Case No. 03-11-0003

This investigation was opened based on a complaint that alleged a PLS and/or his surveying firm performed a survey of the wrong property and did not correct the error. Board staff further discovered that the firm did not have a Certificate of Authorization to offer surveying services.

The respondent provided a detailed explanation of his survey activities. The surveyor explained that a real estate firm hired him to survey the property and provided him an incorrect description of the property. In regards to the lack of a Certificate of Authorization from the Board, the respondent explained that the firm was to be registered as a professional services corporation; however, incorrect papers were filed with the Secretary of State's Office. It was subsequently confirmed that the proper registration has now been completed.

The case manager concluded the situation was a result of multiple errors. The real estate firm ordered the survey in their own name and the employee that ordered the survey was unaware of the correct description of the property being sold to the complainant. This fact did not come to light until some time had passed and the respondent, to help resolve this matter, prepared a new record of survey at no charge for the complainant.

Case No. 03-11-0006 & 0007

The Board opened two investigations after receiving an inquiry from a property owner about survey activities performed by a PLS in 1999 and 2001. While said inquiry detailed the PLS's survey activities, as well as other surveyors, in the subject area without making specific allegations, the property owner did ask if the survey performed by the PLS complied with license requirements in the establishment and re-establishment of GLO corners. The case manager, while making no conclusions regarding the judgment on the positioning of lines and corners by the PLS, found that his survey maps were consistent with the standards of the profession.

Case No. 04-01-0003

This investigation was prompted by an inquiry from a PLS alleging that an individual and/or his firm engaged in the unlicensed practice of land surveying. Said allegations related to the use of bearings and

distances for Lot boundaries, obtained from a filed Short Plat, on a conceptual site plan prepared by the individual on AutoCAD. The PLS also stated that the individual's activities were similar to activities described in an investigation synopsis in the Fall 2003 issue of the Board Journal. In response, the individual denied the allegations and provided a detailed explanation of his activities on the subject drawing.

The case manager found that the named individual, after being provided a crude sketch showing his client's basic design, prepared an AutoCAD conceptual site plan drawing for his client to use in deciding the viability of pursuing a prospective project. All information provided on the subject drawing, including Lot boundaries, was provided by his client and available from the public record.

Case No. 04-04-0001

This investigation, based on a complaint from a client of a land surveying firm hired to perform survey activities for a proposed short plat, alleged the firm charged fees in excess of the contracted amount; submitted plat documents that failed to meet city requirements resulting in project delays; and, failed to set monuments shown on the recorded plat. The Board's research of the plat documents revealed that a PLS, formerly employed by the firm, signed and sealed the recorded plat.

Both the firm and PLS, after being notified of the allegations, provided a response. The firm's principal claimed that the firm is not responsible to correct the situation, as the PLS performed the survey, and that he indicated all survey activities were completed when he left their employ. The PLS admitted that he did not set the subject monuments and, that he has contacted the firm about setting the subject monuments for a fee, but received no response.

While the fee and contract performance issues were civil matters, the PLS was notified that he was responsible for the placement of the monuments and that it was expected he would correct the deficiency within 30 days. He was also asked to provide an affidavit confirming the monumentation was completed.

Message from the Chair

comity needs to understand that comity licensure in structural engineering is very diverse around the country due to education and examination differences.

NCEES RECORDS PROGRAM

At this year's annual meeting, NCEES voted to revise the council *Records Program* to include the MLSE. I'll digress a bit from my purpose of this message to say that in my opinion all licensed engineers should take part in the NCEES Records Program, especially those who are recently licensed and may have a need to be relocated to other states during their careers. The Records Program was set up to reduce time and simplify the paperwork required for engineers who seek licensing in jurisdictions in addition to their original license. An NCEES record includes education transcripts, work experience, professional references and exam results. As the years go by, it can become very difficult to track down references and former supervisors to verify experience. With an NCEES Record, an engineer can simply request that a copy of that record be sent to the licensing jurisdiction.

NATIONAL SE III EXAM

Following the February meeting where the concept for a national, NCEES prepared, SE III examination was discussed, the idea was included on the agendas for both the Western and Central Zone interim meetings. Following action from the Central Zone, a resolution supporting development of a national SE III exam was brought before the full council in August. The Council voted to take the next step, and the Board of Directors will study the proposal for a SE III exam to determine whether the criteria for new exam development has been satisfied.

COMITY WITH CALIFORNIA

Concurrent to the effort toward a national SE III exam, the state boards from Washington and California were discussing the possibility of comity recognition for our respective structural exams. In early August we received word that the California Board will accept for comity licensure in structural engineering those persons who have passed the Washington (8-hour) SE III examination. However, don't forget that all other requirements of the California law must be met for licensure there.

Another article in the spring issue of the *Journal* mentioned British Columbia's interest in using the Washington Structural III exam as part of their qualifications for structural licensure. A draft agreement is under consideration to permit APEGBC to use the exam as early as this October. When finalized, structural engineers in British Columbia may take either the Institution of Structural Engineers (IStructE) exam or the Washington structural III exam to obtain their BC credential.

Finally, an informal meeting was held in mid-August with Dr. Keith Eaton, Chief Executive of the IStructE (check them out at www.istructe.org.uk). The IStructE prepares a structural exam offered in more than one hundred countries. Equivalency of NCEES exams and the IStructE exam was discussed. While no conclusions were reached, I am hopeful that continued dialogue with IStructE and Canadian structural engineers will eventually lead to recognition of structural engineering credentials across national boundaries.

Schedules

Examination Schedule

SPRING – 2005 ADMINISTRATION

Examination	Type	Examination Date	Application Deadline
Architectural, Chemical, Civil, Electrical, Environmental, Mechanical, Naval Architect/Marine, Structural II Engineering	NCEES	Friday April 15, 2005	Wednesday December 15, 2004
Land Surveying (6-hour)	NCEES	Friday April 15, 2005	Wednesday December 15, 2004
Land Surveying (2-hour)	State	Friday April 15, 2005	Wednesday December 15, 2004
Fundamentals of Engineering & Fundamentals of Land Surveying	NCEES	Saturday April 16, 2005	Thursday December 16, 2004
On-Site Wastewater Designer /Inspector Certification	State	Saturday April 16, 2005	Tuesday January 18, 2005

FALL – 2005 ADMINISTRATION

Examination	Type	Examination Date	Application Deadline
Agricultural, Chemical, Civil, Control Systems, Electrical, Environmental, Fire Protection, Industrial, Mechanical, Metallurgical, Mining/Mineral, Nuclear, Petroleum, and Structural II Engineering	NCEES	Friday October 28, 2005	Tuesday June 28, 2005
Forest Engineering	State	Friday October 28, 2005	Tuesday June 28, 2005
Land Surveying (6-hour)	NCEES	Friday October 28, 2005	Tuesday June 28, 2005
Land Surveying (2-hour)	State	Friday October 28, 2005	Tuesday June 28, 2005
Fundamentals of Engineering & Fundamentals of Land Surveying	NCEES	Saturday October 29, 2005	Wednesday June 29, 2005
Structural III	State	Saturday October 29, 2005	Wednesday June 29, 2005
On-Site Wastewater Designer / Inspector Certification	State	Saturday October 29, 2005	Friday July 29, 2005

2004/2005 Calendar of Events

October			February	
29-30	Exam Administration	Various	16	Practice Committee <i>Teleconference</i>
November			March	
8-9	Committee & Board Meeting	<i>La Quinta Inn, Tacoma</i>	9-10	Committee & Board Meeting <i>Tacoma</i>
December			April	
15	Practice Committee	<i>Via Teleconference</i>	15-16	Examinations <i>Various</i>
January			May	
12-13	Committee & Board Meeting	<i>SeaTac</i>	4-5	Committee & Board Meeting <i>Tacoma</i>



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